

1882-030
Lee Co.

Chancery Causes: Hiram Gobble & wife vs John E. Rasnick

McCracken, Noe, Templeton, Fannon, Glass, Creech, Lambert

1 Plat

-Deed

CA-Contract Dispute
T-Property

To the Honorable John A. Kelly Judge
of the Circuit Court of Lee County Va
The bill of Complaint of Hiram
Gobble Mary A. Gobble his wife, and Martha
J. McCracken, formerly Martha J. Doe, who
Humbly complaining respectfully repre-
sents, that your complainants, and one
John E. Rasnick are the joint owners of a
certain tract or parcel of land in this
County, containing about 200 acres, and
properly described in a deed made and
executed by Jacob Rasnick, now deceased,
on the 24th day of October 1878, and now
of record in the Clerk's office of said
County a copy of which will be found
herewith filed marked "A" By an in-
spection of which it will be seen
certain lands, were conveyed to your
female complainants, and John E.
Rasnick, subject to the life estate of
Elizabeth Rasnick, the widow of the said
Jacob. Elizabeth Rasnick has since
that time conveyed to your complainants
Mary Gobble her life interest in her part
so that she now holds the fee simple
of her interest. It will be further
seen that said conveyance, set out the
portion John Rasnick is to have

ing: "fort acres of land off of the West
end joining his (John's) land running par-
allel with the west line" "The balance of
the land (about 200 acres) to be divided
between "Your female Complainant, "Mortua
J. Doe, and Mary a Gobbler, Mary to have her
portion where she now (then) lives," &c. These
lands have never been partitioned
among those entitled thereto, but remain
as at the time of said conveyance. John E.
Rasnick has endeavored to partition them
himself and claiming the right to do so,
and your Complainant fail to agree
with him in a division thereof - Because
he has the effrontery to claim where your
female Complainant Mary Gobbler and
her husband reside, and where they
have built a comfortable dwelling
house planted an orchard and made
other valuable improvements, and to which
he never objected or till recently pre-
tended to claim. The "west line"
spoken of in said deed, is a line
on the west side of the late Jacob
Rasnick's land, and the line between
him and his said son John and has
been for 20 years or more, is well
marked and easily found. Your Com-

plamants allege that there is more than 40 acres on the said tract adjoining to said West line if laid off parallel therewith without in the slightest interfering with your complainants house or improvements, but even if there were not, that they having been specifically decreed that place they are advised they are entitled to hold the house & lot being so decreed to them.

The object of this bill therefore is to have said lands partitioned among those entitled thereto according to the true intent and meaning of said deeds, so that the House & lot be assigned your personal complainant Mary A. Gobble.

The premises considered therefore they pray that John E. Rasnick be made a party defendant to this bill and answer its allegations upon oath; and that he specifically answer and say if he does not know where the west line is and that the same runs to the top of Wallens Ridge, and that a parallel line therewith will give him his due quantity without any interference with your complainants and for all after further and general relief. May your issue &c

A. L. Pardimore @2.

11

Hiram Gobblefoot

vs Bill Chy.

John E. Rasmick

Exhibit

1882 Febry 25. Bill Filed
 " Mar. 1st Ex. & v. et.
 " Apr. 1st. A. Rasmick
 " May, June & July Contd.
 " Aug. Cause set for hearing
 " Nov. Cause final

Plffs Costs

Hyatt C. 6.37
 S. .50
 Lf. 15.00
 Comm. 25.00
 46.87
 Defts C. .65
 \$ 47.52

Cost of Depo

Comm. 5.00
 Wit. 3.00
 8.00

Defts cost of Depo

Comm. 2.50
 Wit. 1.00
 3.50

Plffs cost

Hyatt C. 6.37
 Sheriff .50
 A 15.00
 Comm. 15.00
 46.87

Defts Costs

C. .65
 A 15.00
 \$15.65

Plffs cost
 Cost of Depo

Comm. 8.00
 Wit. 3.00
 11.00

Defts cost of Depo

Comm. 2.50
 Wit. 1.00
 3.50

To the Honorable John H. Kelly
Judge of the Circuit Court
of Lee county Va

John E Rasnick, defendant to a
bill in Chancery, exhibited in this
honorable Court by Hiram Gobble
and Mary A, his wife, and Martha
J McBracken plaintiffs, comes and
says:

That on the day of 188,
Elizabeth Rasnick conveyed all of her life
interest in a portion of land conveyed to
your respondent by Jacob Rasnick now
deceased, so that your respondent now
holds, and since said conveyance, ^{from Elizabeth Rasnick} held
the fee simple in "40 acres of land off
the west end and joining his land,
running parallel with the west line"
as per deed ~~from~~ Jacob Rasnick, a
copy of which is filed by the plaintiffs
in this case, marked "A."

Your respondent denies endeavoring
to partition the lands conveyed to himself
and your complainants, as per deed last a-
foresaid, by himself alone, or that he
claimed the right to do so. But an-
swering says, that he contracted with
the plaintiffs Mary A Gobble and her

husband and also with Elizabeth Rasmick aforesaid, and they agreed with your respondent, to lay off the 40 acres conveyed to your respondent as per deed aforesaid, according to the stipulations of said deed.

And your respondent says, that by virtue of said agreement, your respondent procured the services of one Ira Screech a competent surveyor, and the said surveyor, in presence of said Hiram Goble and your respondent surveyed and laid off 40 acres of the west end of the tract conveyed by Jacob Rasmick, as aforesaid, "running parallel with the west line".

And your respondent says that the plaintiffs, Hiram Goble and Mary, A his wife, acquiesced in ~~in~~ said partition, and agreed to pay rent to your respondent for all of said portion of 40 acres so laid off, for the year 1881, and so tendered and paid the rent aforesaid according ^{to} agreement on all of said portion which Hiram Goble cultivated for the year 1881.

Now your respondent is advised, that

the plaintiffs are by their said contract and by said partition being made and accepted with your respondent, estopped from the prosecution of this suit.

Your respondent denies that the plaintiffs ever planted any orchard on said lot of 40 acres laid off by said Sercech or that there is now any dwelling house ~~on~~ said lot or portion so laid off, which was standing on said lot or portion at the time of said conveyance from Jacob Rasmick, and no other buildings, ^{which were then standing} except a small kitchen and two small stables.

Your respondent says that he knows where the west line is, and that it does not run to the top of Wallin's ridge, and that a line running parallel therewith, giving your respondent his 40 acres, will inclose the small kitchen and stables referred to, and a small cabin that said Hiram Gobble lives in, which was built since the aforesaid conveyance from Jacob Rasmick.

And now having fully answered your respondent prays to be hence dismissed.

John E. Rasmick
By H. C. Mowess C2

Virginia Lee County to wit.

This day John E. Pasnick
personally appeared before me &
made oath that the facts stated
in the foregoing answer are true
so far as they depend upon his own
knowledge, and so far as they depend
upon information as obtained ^{from others} he
believes them to be true. Given under
my hand this 29th March 1882

J. A. Hyatt Clerk

John E. Pasnick

ans

Answer

Viram Cobble et al

Filed

March 29th 1882

J. A. Hyatt
Clerk

To the Hon. John A. Kelly Judge of
the Circuit of Lee County Va.

The Joint Answer of Hiram Gobble and
Mary Gobble his wife, to a bill filed in
this Hon Court against them by John
Rasnick

Respondents have no reason to urge
against the partition of such lands as are
mentioned in the bill and are held by the
heirs of Jacob Rasnick deceased - But
they deny that the 4 acre lot is such land,
but upon the contrary was sold to said
Jacob Rasnick by Mary Handy, and the
said Jacob before his death deeded all the
Mary Handy tract to your female respondent
and hence belongs to her in her own right
and by virtue of her deed; and hence
not liable to partition, but should be
laid off to your female respondent.

Your respondents, do not resist as
above stated the other land mentioned in
the bill, but they do resist a sale thereof
so far only as their interest is concerned -

They own adjoining lands and their
shares can be so laid off as not to
impair the sale, of others, and they desire
it so done adjoining their other lands, and
pray that their interests be so laid off and
not sold.

Respondents would further state that they are the owners of their $\frac{3}{11}$ of said tract sought to be partitioned in their own right and by purchase they own the shares of J. J. Rasnick and Kittie Grindstaff; and while your respondents ~~now~~ ^{have} not yet a deed for those shares they have the written contract of J. J. Rasnick for the same, and he is or was the owner of both ~~before~~ ^{having} Mrs Grindstaff sold to him - They thus own $\frac{3}{11}$ of said undivided land, and as above pray that the same be laid off to them adjoining their other lands. They also pray that the 4 acre piece be first assigned them by virtue of their deed, and thus exempt from further claim of their co-heirs. And having now fully answered they pray to be dismissed with their costs.

A-L Prelimin
for depts.
H. Cobble & wife.

Virginia Lee County to wit.

This day Hiram Cobble personally appeared before me and made oath in due form that the facts stated in the foregoing answer, so far as they depend upon his own knowledge is true, and so far as they depend upon knowledge as derived from others he believes them to be true given under my hand this
27th March 1885.

J. A. Spatt Clerk

IP
Hiram Goble & wife

Ad. & Answer.

John Karnick

Filed in open Court
by permission thereof,
March 29th 1883.

J. A. Hyatt.
Clerk

Hiram Gobble and wife Ref.
 against } Bucky.
John E. Rasnick ----- Sept

This cause came on again this day to be again heard upon the papers formerly read; the report of special commissioners, John A. G. Hyatt, L. M. Carmick and G. L. Duff, filed Nov. 20 1882, and exceptions thereto by the plffs and defendand; and was argued by counsel

On consideration whereof and for reasons appearing to the Court, the exceptions to said report are and each of them is overruled, and said report approved and made final - And it is adjudged ordered and decreed, that the female plff takes and holds the land embraced by the following, lines letters and figures, as shown by said report and accompanying plat. Beginning at "A" a stake; thence parallel with the division line (5-6) N 27° W. 57 poles to "B" a stake, thence parallel with 6-7, N 53° E. 54 poles to "C" a stake; thence parallel with 7-8 N. 20° W 108 poles to "D" on top of Wallins ridge; And that the defendant, John & Rasmick take and hold likewise by said line to "D" thence westwardly with the top of

Walling ridge, to 8, to 7, to 6, to 5, and thence
 with the red line to A. the Beginning; and that
 the line on said plot, A. B. C. D. shall
 be established and confirmed as the true division
 line between the plffs and defendants, of
 the land in dispute - And that the plff
 recover from the defendant one half the
 Costs of this suit, ^{to be taxed by the clerk.} except that the plffs
 shall pay the Costs of all depositions taken
 by them, and the defendant shall pay the
 Costs of the depositions taken by him -
 And no further action being necessary the
 Cause is stricken from the docket.

Henry Gableman

Dec 5
 Trial

John E. Casarich
 Dec. 5, 1882
 Entered pages
 298-9.
 J. A. Wyatt
 Clerk

Enter this
 Dec. 5th 1882
 J. A. K.

Hiram Gobblerwife ... Plff.

Against

John E. Rasnick - - - - - Deft

} Incho

This cause came on this day to be heard upon the ~~papers~~ bill of the plff, the exhibits filed, the answer of the defendant and replication thereto and the argument of Counsel on consideration whereof, and for reasons appearing the court it is adjudged ordered & decreed that John A. G. Hyatt, who is appointed for the purpose will ascertain and report to this ^{court} the true boundary of the plff, and defendant, line at or near what is claimed to be the western line, whether or not, such line was ever made by Jacob Rasnick deceased, and whether or not the lands of the defendant can be so laid off as not to interfere with the plff. And whether or not the plffs have title to the land whereon they reside and the best made in accordance with the deed of Jacob Rasnick, deed to lay off the same, so as to give to the plff the House wherein he now resides, * and making the partition

and whether or not the plaintiff is
admitted to the survey and partition
of said land as owner and
laid off by John Rasnick deceased
before of the deft

affairs he will associate with him
L. M. Lemmuel and G. C. Deff who
are empowered as Commissioners
for the purpose of ascertaining said
lines & portions, to act jointly
with said Hyatt. The said Com-
missioner Hyatt, will receive the
testimony of each party to writing
report all facts deemed neces-
sary by himself or required by
either party, and said Com. will
report their action to this Court
at some future term and the
Cause is continued.

Heram Goddard

Decree

John Rosmick

Aug. 7. 1882

Entered P. 263

J. A. Hyatt
Clerk

Enter this

Sept 2. 1882

J. A. K.

Virginia

At a circuit Court Continued and held
for Lee County at the Court House thereof
on Friday September 1st 1882.

Abiram Gobble & wife

Plffs

In Chancery

vs
John E. Rasmick

Defts

On consideration whereof and
for reasons appearing to the Court, it is adjudged
ordered and decreed, that John A. G. Hyatt who is
appointed a Commissioner for the purpose, will
ascertain and report to this Court the true
boundary of the Plaintiffs and Defendants
lines at or near what is claimed to be the
Western lines: ^{whether or not such line was ever made by Jacob Rasmick's deed} whether or not the lands of the
defendant can be so laid off, as not to interfere
with the Plaintiffs; and whether or not the
Plaintiffs have title to the land whereon they
reside, and the best mode in accordance with
the deed, of Jacob Rasmick's deeds, to lay off the
same, so as to give to the Plaintiffs the house
wherein they ^{now} reside; and whether or not the
Plaintiffs assented to the survey and partition
of said land as surveyed and laid off by
Bra Breckin under direction of the defendant.

And in making the partition aforesaid
he will associate with him L. M. Carnical
& G. C. Duff, who are empowered as Commission-
ers for the purpose of ascertaining said lines and
partition, to act jointly with said Hyatt.

The said Comr. Hyatt, will receive the testimony
of each party to writing, report all facts deemed
necessary by himself or required by either party
and said Commissioners will report their

actions to this Court at some future
term and the Cause is Continued.

A Copy Lest -

J. A. Hyatt Clerk

Wm. Cobble & wife

vs
Copy of Deeds

John E. Casnick

To Future term of Court.

1st

Before Commissioners, Nov. 17th 1882

Hiram Gobble & wife Defts

vs

In Equity

John E. Rasmick, Defts

The depositions of Elizabeth Rasmick, Elkanah Lempleton, Jacob^B Rasmick, Jacob B. Rasmick, John E. Rasmick & others

taken on the 17th day of November 1882 at the time of ascertaining certain facts in the above styled suit which are intended to be read as evidence in favor of the Plaintiffs, and also the Defts.

Elizabeth Rasmick a witness of lawful age being first duly sworn Says - I remember the fact, that my husband Jacob Rasmick, and John E. Rasmick my son made a division line between certain lands which they owned, commencing at a certain rock corner and running to the top of Wallens Bridge passing through

lands known as the McElroy, Campbell & John E. Rasnick's land which he, ^{John E. Rasnick} purchased from John Handy - and my husband often informed me that John E. Rasnick was to have forty acres of land laid off to him parallel with this line which he always called his western line, and the balance of the lands he owned East of the line of John E. Rasnick's forty acres, was to be divided between Mary A. Gobble and Martha J. Roe, Mary A. Gobble to have the place where she then and ~~now~~ lived ~~at that time~~.

~~Exception~~ is taken to all evidence in the foregoing statement, to prove any sale or exchange of lands, between Jacob Rasnick and John E. Rasnick

H. O. Mearns

Question 2nd by Plffs

Did John E. Rasnick and your Husband Jacob Rasnick, swap or exchange any land by making this ~~land~~ division line above referred to?

Answer - They did, my understanding was that my Husband got about 20 acres off of the said John E Rasnick Handy land, and that my Husband had given the said John E. Rasnick other land therefor.

Exception is taken to the foregoing question and answer, as not being the kind of evidence required to prove a sale or exchange of lands

Attest

Question By Plff

Did your Husband Jacob Rasnick take possession of the land above

referred to as swapped for. with the
said John E. Rasnick, and how
long has he had possession of
the same, & those holding under him.
Answer - My husband did
take possession of the said
20 acres of land so swapped,
for ^{bounded by the said West line.} and held said possession
untill his death which was
about 20 years.

~~Cross examined by J. E. Conrad~~
In by same Did your husband clear
any of said 20 acres of land
you speak of?

Ans He did not clear any of said
land or have any cleared, but
he had boards made & got timber
off of said land.

In by same Do you know of your own
knowledge that your husband
ever exercised any acts of own-

ership over said 20 acres of land you speak of?

Ans I know he took possession of the said land.

In by same Please state how you know he your husband took possession of said land?

Ans I know by his telling me that he was having boards made on said land

In by same Was the division line you speak of, made by your husband and your son John & the only line that was to govern the dividing line between John & Rasnick and Mary & Goble?

Ans That is what my husband said. John's line was to run parallel with this line.

Question by Plaintiffs -

Did John E. Rasnick have his

40 Acres of land laid off, to him
by agreement with Mary E Gobble
& husband?

Ans - He had no agreement with them as
I knew of, he John told me he
was going to have it laid off
and asked me to tell Gobble
& wife of the same, & I asked him
to talk to them himself, and he
said he would not, and for me
to talk to them myself, and that
he aimed to have it laid off to
suit himself. & according to the papers.
And further this witness saith not.

Elizabeth ^{Ther} Rasnick
marth

Elkanah Templeton an other witness
of lawful age being duly sworn
deposes and says -

Question By Plffs -

Did Hiram Gobble and Mary A

his wife agree with John E. Rasmick
to have certain lands partitioned
between them by one Ira Creech.

Ans They did not.

Question Did Mr. Gobble or his wife assent
in any way to such survey. Was
either of them with said surveying
party

Ans They did not agree to the survey
made by Mr. Creech, and were not
with said surveying party. I
heard Mary A Gobble say to John
E Rasmick at the time of said sur-
veying that if he could not go
and survey the land as it ought
to be surveyed, that he could
let it alone.

Question Did you ever hear one Jacob
Rasmick tell or point out to
Hiram Gobble a certain division
line between said Jacob Rasmick

+ John E. Rasnick known as
Jacob Rasnick's western line
if so how was the same pointed
out + where?

Ans I did, and saw Mr. Jacob Rasnick
point out the line to Mr Goble from
a certain rock corner, thence a west
course to the top Wallens Ridge.

Objection is made to the fore
going question + answer, as
to the proof of title to lands

Question Did Mr. Goble, ~~Alb~~ ^{Alb} ~~Man~~ ^{Man}
by Comm or Jacob Rasnick occupy or have
possession of the land east of said
Western line spoken of?

Ans I know that they ^{+ used} occupied said
land as they wanted to, but I
dont know where the line is
towards the top of the ridge.

And further this deponent says th not
Elkanah ^{his} ~~Temple~~ ^{mark} ~~to~~

Jacob B. Rasnick an other witness of lawful age being duly sworn says -

Question Do you know whether or not Jacob Rasnick, and John E. Rasnick ever established a division line between their lands? ~~known as~~
~~the~~ if so, how long ago, and how has ownership been exercised by said parties?

Ans Of my own knowledge I don't know that they ever made a division line, but both the parties have told me they had such a line between them and I have saw marked timber where said line was said to have been, as far ^{as} a sourwood & Chestnut corner, which I have seen, which is by the fence of a field and is between $\frac{1}{4}$ or $\frac{1}{2}$ mile ~~and from the top of Wheelers Ridge~~

the parties informed ^{me} that the intention of the line was to follow the top of the spur, which has been 12 or 15 years ago.

My Father has exercised ownership on the West side of said line & my Grand Father on Mr Gobble on the East side of said line, as far up as said ^{Sourwood & Chestnut} corner -

My Father had a house built on the West side of said Spur - above said corner, but I never knew of him exercising any ownership on the East side of said Spur above said corner.

Question By Plaintiff

Do you know or have you ever understood that your Father & Grand Father ever made a land exchange in which your Grand Father Jacob Rasmick

obtained a portion of land from your Father John E. Rasnick on the side of the Ridge on the East end of your Father's Handy land or Braiser survey?

Ans I have heard it said that they swapped some land, and that my Father let my Grandfather have some land on the Ridge on the East end of said Handy land, and that my Father received some land where he now lives.

Exception is taken to the last question and answer, as not being the kind of proof required of title to, or sale or exchange of real estate

A. C. Dumas

Question And further this deponent sayeth not
Jacob B. Rasnick

J. E. Rasmick another witness
of lawful age being duly sworn
deposes and says —

Question By Plff

Did you and your Father
Jacob Rasmick ever swap any
lands in which your Father
obtained a boundary of land
off of the East end of your
land known as the John
Handy Land, and did
you and your Father make
a division ^{line} between your lands
so as to run from your North
Campbell line to the top of
Wallens Ridge

Ans We talked of swapping, we
never completed it, the trade
was recanted, our division
line was not made by us fur-
ther than the Sourwood + Chestnut

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corner, on ^{my} ~~the~~ south Handy line,
Question Did you and your Father
establish & make the said Sourswood
& Chestnut corner?

Ans We did.

And further this witness sayeth not

John E Rasnick

James Farrow an other witness of
lawful age being duly sworn says

Question By Plff -

Do you know any thing of a
land exchange between John E
Rasnick & Jacob Rasnick his father
and whether or not they ever estab-
lished a line between their said
lands?

Ans I do not know of my own kn-
owledge, about the exchange -
John E Rasnick on one acca-
sion informed me that he had
a piece of land on the East end of
his Handy land he would let me go on
and live

What Jacob B. Rasmick
told Hannan is not
evidence and is objected
to by Defendants,
Mann & Brown
#

and Jacob Rasmick his son told me that
his father had let his, Grand
let his father have some land
up there. I don't know that
they did, ^{establish a line} but John E. Rasmick
has informed me that the line
between him and his father com-
menced at a rock corner and run
as I understood him in a straight
line to the top of the Ridge. But
he did not say that it run to the
top of Wallens Ridge, nor he did
say that it did, but simply that
it run to the top of the Ridge,

Cross examined by Defts Counsel
In by same Did Mary A. Gobble wife
of Hiram Gobble come to you
to get you to go on the land
in controversy and carry a chain
for Ira Brush to make a
survey if so state what she
said on that occasion?

Ans She did and my understanding
was the line to be run was between
her & Martha J. Ave. as she so in-
formed me.

She said that her and John E
Rasmick was on a land swap
& that he had agreed to swap
her the house ^{& land orchard &c} where in she lived
& now lives, & he was to take a
piece on the Ridge, & she thought
that would settle their difference.

but there was no ripening done on this occasion.
In by same Qd you hear Hiram Gob-
ble say any thing about John
E Rasmick being good to him
and giving him (Gobble) a
part of the rent that he owed
him (Rasmick)

Ans I heard Mr Gobble say that
John E Rasmick had been good
to him & had not charged him any rent
on the Millet & oats, & that he
had paid said Rasmick $\frac{1}{3}$ of the
corn on the upper field.

In by same Was the house in which
Hiram Gobble & Mary & Gobble

now lives, built since the death of Jacob Rasnick?

Ans The best of my recollection is it was.

Question And further this deponent says
not - James B. ^{his} L. Harmon
Marsh

J. J. Rasnick an other witness of lawful age being duly sworn deposes and says -

Question By Delfs

Do you know any thing about the western line of Jacob Rasnick bordering on John E. Rasnick's land, whether it was ever agreed on or established by said Rasnick's or not.

Ans I heard my Father say that the line between him & John E. Rasnick commenced at a certain rock corner, and

thence ~~run~~ up the dividing
 Bridge, he did not say how
 far up it went. I have seen
 a marked line very nearly running
 with ^{said dividing Ridge} to the top of Wallens Ridge where appears
 a corner, but I know nothing
 about who marked said line

Question Did Mrs Gobble or her husband
 assent or agree to the Survey
 of John E Rasnick's made by
 one Ira Breck!—

Ans I don't think they did they did
 not in my presence but objected
 to the same.

And further this witness sayeth not.

J J Rasnick

W. J. Glass another witness of law-
 ful age being duly sworn says—

Question Do you know whether Hiram Gobble
 & his wife Mary A. Gobble, agreed to

or assented to the Survey as made
by one Ira Creech in dividing lands
between them & John E. Rasmick?

Answer I never heard Mr Gobble say but
little about the matter, but his wife
aunt Mary objected and stated
she would law away the last
thing she had before it should
stand as he surveyed or divided
the land. they neither went along
or attended the Surveying, Mr.
Gobble was with the party at
the stable a short time.

Examinined by Defts counsel
2 by same Did Hiram Gobble pay John
E Rasmick any rent for the
land laid off by Ira Creech
since Creech made the survey?

Answer He did.

Examinined

Where did the rent grow

and what amount.

Answer It grew on the land that Creech laid off, and grew near the western line of the same. I won't say exactly what there was but I believe it was 13 or 16 bushels -

I by same ~~And~~ Was the house that Hiram Goble now lives in built since the death of Jacob Rasnick?

Answer I think that it was.

And further this deponent says that
W. J. Glass.

Hiram Goble another witness of lawful age being duly sworn deposes & says

Objection is made
~~by Plff.~~ to this witness Hiram Goble as being inadmissible
H. D. Manners

Question by Pluff. Tell us all you know about
the case at issue. I suppose that we have
lived here about 11 or 12 years, & concern-
ing this conditional line I knew
nothing about, only what the parties
John B. Rasmick & Jacob ^{Rasmick} ~~has~~ ^{has} said
told me about it. I asked my father
in law Jacob Rasmick to show me
his line that I would know where
to work to, we did not go around the
entire lines, he described these lines to
me telling me how they run, he
said that the line between him & J.
B. Rasmick commenced at a rock
corner on a ridge, running straight
to the top of Wallers Ridge, that
him & John Rasmick had swapped
lands & made this a conditional
line between them, that he had given
him land where he now lives for
what land ^{was} East of said lines,

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~~he said~~ he told me that all west
of that line was J. B. Rasmussen's ^{land} & all
East of that line was his land,
& rented me to that Conditional
line and told me to clear to it
and use all the land in any way
that I pleased, he also told me
that I could cut tan bark timber
in a field and that I could go
outside of said field & cut as much
as I pleased anywhere between said
field and the top of Wollens ridge.
I have never heard any claim laid
to the land, since I have lived
here till the running done by
Creech, outside of my father-in-law
Jacob Rasmussen, John B. Rasmussen
also told me that said Conditional
commenced at the rock corner &
runs through here, showing me
the marked trees, and runs straight

Q

through to the top of the ridge for
says he me and Dad has swayed
land, and all on your side of the
line is ^{mine} ~~his~~ and all on this side is
~~mine~~ his, that is all the land on
the East side was Jacob Rosmicks +
all on the West side of this line was
John B Rosmicks. I had no notice
of the survey made by Creech except
by my mother in Law & ~~she~~ did not
consider her a legal one to notice me,
and never consented to said running
but we had agreed to set a time and
run it, but that time never was set,
I have paid no rent to John B Ros-
micks except the rent on a small piece
of land next to this line, which I
considered would fall inside of the
40 acres to be laid off to him, said
rent was about 13 or 16 bushels of
corn. My wife Mary Lobble said

that she would spend ~~about~~ every
year on the land before she
would consent to the ~~survey~~ ^{it as} laid off
by Creech. Now put out I expect
100 fruit trees, peach trees + apple trees
and on a different side of the fence from
the old Orchard. My father-in-law
told me now I have decided you
the land go on and build you a
house, I built this house I now
reside in about 10 feet ~~to~~ ^{at} a little
south west of where the old house ~~was~~
the kitchen & all the out buildings
remain in the same place, as when
my father-in-law decided her the land.
Cross examined by Dfts counsel
I say. Who was present when
John E Rasmick showed you
the dividing line, and told
you what you say he did
about it?

Ans I'll find that man if necessary.

Q by same Do you object to giving his name?

Answer Well, sir if I need his ^{evidence} ~~name~~ I can give ^{his name} ~~it~~ but I do not know that it is necessary

Q by same Did you not propose to pay John E Rasnick the rent of the oats that you made on the land in controversy since the survey made by Greesh?

Ans I did not.

Q by same What kind of acts of ownership did you exercised over the land claimed by J. E. Rasnick?

Ans I went on it & got what I wanted, that is any kind of timber I desired, I went and cut unmolested by any body or forbid I also made for Jacob Rasnick about 3000. boards on said land

Q by ~~Atty~~ 2 Did not Jacob Rasmick
generally use timber on
John E. Rasmick's land when he
desired, without being molest-
ed or forbidden?

Ans - He did at certain places but
not upon this place that I knew
of.

Ques by same - Are you the Husband of
Mary E. Gobble

Ans - I suppose I am

Re Examined by Mary A. Gobble one of Plffs
Question Did you or any one else give
John E. Rasmick any possession
East of the division line as established
between him and Jacob Rasmick
since the Survey made by Creech.

Answer - I never nor no one else did,
but to the contrary, Mary A. Gobble
notified said John E. Rasmick not
to come upon said lands in any
way, to cut bushes or move fences
or do any other work until legally
surveyed.

Q by ~~Atty~~ 2 - Did John E. Rasmick rent the
field you cultivated in corn in

1880, to Sam Wilson, to sow
in oats the present year 1882?
Ans I do not know whether he
did or not.

And further this deponent sayeth not

Hiram Gobble
The further taking of Deposition
in this cause is adjourned till
tomorrow morning Nov. 18th 1882
at 8 o'clock A.M.

J. A. Hyatt Corr.

Met pursuant to adjourn-
ment This 18th day of Nov
1882.

Present the plaintiffs and
defendant

The depositions of witness-
es taken on behalf of the
defendant in the above
cause this 18th day of Nov
1882.

Ira Creech, a witness of
lawful age after being duly
sworn, deposeth and saith
as follows:

I by Deputy Did you make a sur-
vey for John E Rasnic

about the month of July 1881,
of 40 acres of land off of
the west end of a tract of
land, deeded from Jacob
Rasmie to said John E
Rasmick ^{and others} of sd state by
what papers you surveyed
and please state all you
know about it?

Ans - I made a survey of 40 acres
for him about the 29th of July 1881,
Beginning at a large water oak
said to be in a line of the Allen
land, & with same S 57° W 19 poles
to a stake in Crabtree line, thence
with the S.E. line of a survey of 4½
made in the name of Jacob Rasmick
+ 21 west 72 poles to a stake in said
Rasmick's line & with the same S
75° W to a sassafras (now down)
These last 2 lines were run by the
Patent to Jacob Rasmick of the 4½ acre
survey, the ~~same~~ ^{now down} sassafras being the
corner of a 50 acre survey made in
the name of Absalom Loyd, thence
S 75° W 43 poles + 7 links to a stake
in a conditional line of Jacob +
John E Rasmick's land.

and with the same $N 27^{\circ} 35' W$ 69 poles to a chestnut & double sour wood thence $N 51^{\circ} E$ 52 poles & 17 links to a double maple, $N 20^{\circ} W$ 80 poles to a double Chestnut east on the top of Wallens Ridge, thence $S 27^{\circ} 35' E$ 221 poles to the beginning.

July same

Please state if Hiram Gobble and Mary A Gobble his wife were present at any time, during the time you were engaged in making said survey, and if they or either of them objected the making of said survey?

Ans

— I don't know that they made any objection, Mr Gobble was present when we was churning for a corner, I saw his wife at her house.

July 1875

Did Hiram Gobble & Mary A Gobble or either of them send for you to divide the remainder of the said tract of land between her (Mary A Gobble) and Martha J Mcbracken, if so,

state what Mr Gobble & his wife said.

Ans

Mrs Gobble sent for and requested me on one occasion to come and make a survey for her, but from some cause unknown to me she did not have any surveying done, I can not remember or say what land she wanted surveyed or for what purpose, which was some time after I had made the Survey before stated for John E. Rasnick.

Cross Examined by Plffs -

Question Do you not remember that Hiram Gobble came to you at the time you made the survey for the said John E. Rasnick, and made the inquiry of said Rasnick whether he had the legal surveyor or not?

Ans

I do remember that Mr Gobble asked that question

Question Did you hear said Gobble tell said Rasnick that said survey was then said Rasnick & not Mr Gobble?

Ans

I think he ^{said} something to that amount

Question Did Hiram Gobble or his wife Mary A Gobble employ, ^{you} or assent to you making said Survey for John E Rasmick?

Ans - They did not hire me - nor did they object or agree for said survey to be made so far as I know.

And further this deponent sayeth not,
Ira Creech

Peter Lambard a witness of lawful age, after being duly sworn, deposes and says.

2 by Atty Do you know who planted the orchard where Hiram Gobble lives, if so, state who did it:

Ans - An old negro, by ^{name} of Jeff, John Kimberlin, and Hiram Gobble planted out said orchard.

Cross Examined by Plffs

Question 1st For what length of time have you known Mary A. Gobble & her husband to live on the land where on she now resides, and by what name has the said place been called

Ans She & her husbands have lived where she now resides for about 20 years, and the place has been known as the Handy farm.

Question Do you know whether John E. Rasnick & Jacob Rasnick ever established a division line between their lands, if so where did it begin & end?

Ans. They both told me they had made a line between each other, commencing at a rock on a ridge and running up a spur to the top of Wallens Bridge.

Question Did you understand from them by this division line that the said Jacob Rasnick had obtained any portion of land from the said John E. Rasnick on what was known as the said John E. Rasnick's Handy land,

Ans They never told me any thing about their lands only to show me their division line.

And further this witness says that the ridge is how far Peter & Lambert mark

The foregoing depositions were taken before me at the times & places stated in the captions, & for the purposes therein stated. Subscribed to by, ^{said witnesses in my presence} and sworn by said witnesses before me, on the days and at the place before stated, Given under my hand this Nov. 20 1882.

J. A. Hyatt Comr.

Veram Goble wife
25¢ Depo. for each
John C. Casnick

Filed Nov 20 1882
J. A. Hyatt
Clk

Depo costs
Comr. \$2.50
1.00
\$3.50

Diff cost of depo
Com fee for Depo. \$4.00
& witnesses \$3.00
\$7.00

The within report is accepted to by it
Jest because the location line is
shown to run to the top of its wedge
Should have been accepted by Henry Johnson

Hiram Hobbs & wife Plffs
vs
John E. Rasnick Deft } In Chancery

Pursuant to a decree rendered at the August Term 1882 of the Circuit Court in the above styled Cause, We the undersigned Commissioners, as appointed and directed in said decree, went upon the land mentioned therein, on the 17th day of November 1882, and proceeded, after taking the depositions of witnesses for the Plaintiffs & Defendant, which are herewith filed, to lay off and partition said land according to the following report and plat. Beginning for the Plaintiffs at L) a Rock corner, described in the depositions accompanying this report, and admitted by both parties to be the Southern extremity of the division line, made between

John E. & Jacob Rasnick, thence with
said line N 27° W 46 poles, passing
through a certain piece of land known
as M^cElroy land, (which division
so far as the M^cElroy land extended
gave Jacob Rasnick about 9 acres,
which he failed to dispose of in
his deed to Pffs & Deft, included
on plat by L - 5 - E. G.) to 5. the
southern line of what is known
as the Cambell land, thence continu-
ing said line through the said Cambell
Land 71 poles to 6, a chestnut and
double sour wood, on the southern
line of John E. Rasnick land,
known as his John Handy land,
up to which point, said line
from L. to 6 was agreed upon
& admitted by both parties, thence
continuing said line to M a Hickory
& Black oak marked as a corner on

the top of Wallens Ridge, said line was well defined by marked timber appearing to be the same date, from the Rock L. to M the top of the said Ridge, we further surveyed by beginning at C thence with the Calls of the John Hardy deed N 53° E 54 poles to (7) a double Maple said tree was marked with old marks as a corner tree, thence N 20° W. 78 poles to (8) a double Chestnut Oak on the top of Wallens Ridge. This line from C to 7 to 8, the defendant claims to be his Eastern boundary & the plaintiffs Western boundary line. It seems from the depositions of Elizabeth Rasnick, Hiram Lobble and Peter Lambert, herewith filed that the line L. M. passing through the John Hardy survey was made,

(over)

by Jacob Rasmick deceased and John E. Rasmick, and was recognized by them as their true division line.

If this line in the opinion of the Court is sufficiently established, then the following courses in order to give John E. Rasmick the 40 acres deeded to him by his Father, should be observed, viz, Beginning at 5 a stake on said division line & on the Campbell line, thence with said division line $N 27^{\circ} W$ 160 poles to M a Hickory & black oak marked as a corner & on top of said Ridge, thence with the top thereof $N 61^{\circ} E$ 40 poles to a stake, thence parallel with the division ^{line} M. L. $S 27^{\circ} E$ about 160 poles to the Campbell line & with the same $S 75^{\circ} W$ about 40 poles to 5 so as to include

(5)

40 Acres. And should this line appear not to be sufficiently established, then the true boundary of Jacob-Rasnick's western line between the Campbell & Mary Handy land according to the title ^{papers} shown us, after his deed to John E. Rasnick of the Campbell land west of the line 5-6, would be as follows. Beginning at 5- a stake on the southern line of the Campbell land, thence N 27° W. 71 poles to (4) a chestnut & double sourwood, thence N 53° E 54 poles to (7) a double maple on the Crabtree line, N 20° W. 78 poles to a double chestnut oak on top of Wallers Ridge. Which line from 5- to 6 to 7 & 8. We the Commissioners consider the Western line of Jacob Rasnick's Campbell & Handy land & should be the governing line in the partition, and not the section 5- to 6 as claimed by the defendant.

Then in this case, the following courses, in order to give John E. Rasnick the 40 acres decded to him by his Father Jacob Rasnick should be observed viz Beginning at 5. Thence with the lines of the Campbell land N 75° E 32½ poles to (A) a stake, thence parallel with the division line 5-6, N 27° W. 31 poles to "B., a stake, thence parallel with 6-7 N 53° E 54 poles to (C) a stake, thence parallel with 7-8 N 20° W. 108 poles to (D) thence with the top of the bridge to & the double Chestnut oak, thence with 8-7-6-5 to the beginning.

The defendants 40 acres of land can be laid off by either of these partitions without interfering with the lands or premises as set forth in the deed of Jacob Rasnick to Plaintiffs.

6

We then by direction of the Deft, surveyed the boundary heretofore laid off by One Ira Orzech as referred to by him in his deposition accompanying this report, and laid down on plat, Beginning at 1 - to 2 - 3, 4, 5, 6, 7 & 8, thence S 27° E. to the beginning, which survey includes Hiram Gobbles House & contains $35\frac{1}{2}$ Acres - in order to obtain 40 Acres said line would have to be moved $3\frac{1}{4}$ poles further East than the aoted line 8 - 1 as run by Orzech, - the Plaintiffs from the evidence did not consent to ^{the} above described survey;

And we Commissioners arrived at the Conclusion that such Survey is not in accordance, with the Decd made by Jacob Rasnick to Plffs & Deft.

for the following reasons. first
that the Eastern line of said Survey
is parallel only with the section
5-6. of the Western boundary of
the Campbell & Handy land, and
not the entire boundary 5-6-7 & 8.
as it it should be, if the defen-
dants title papers hold good East
of the division line L. M. - Secondly
because it includes the House, Spring
Stable & Orchard of Mary A. and Hiram
Gobble, which is contrary to
the stipulations of the deed from
Jacob Rasnick to Mary A. Gobble
the wife of Hiram Gobble.

The Plaintiffs Mary A. Gobble & Martha J.
Nae have title to the remainder of
the Campbell & Handy ^{land}, East of the
line which may be established
between the Plaintiffs & Deft,
All of which is respectfully

submitted.

Cours. { J. A. G. Hyatt
L. M. Carmichael
G. C. Duff

Cours fees

J. A. G. Hyatt - \$10.00

L. M. Carmichael - \$10.00

G. C. Duff - 5.00
\$25.00

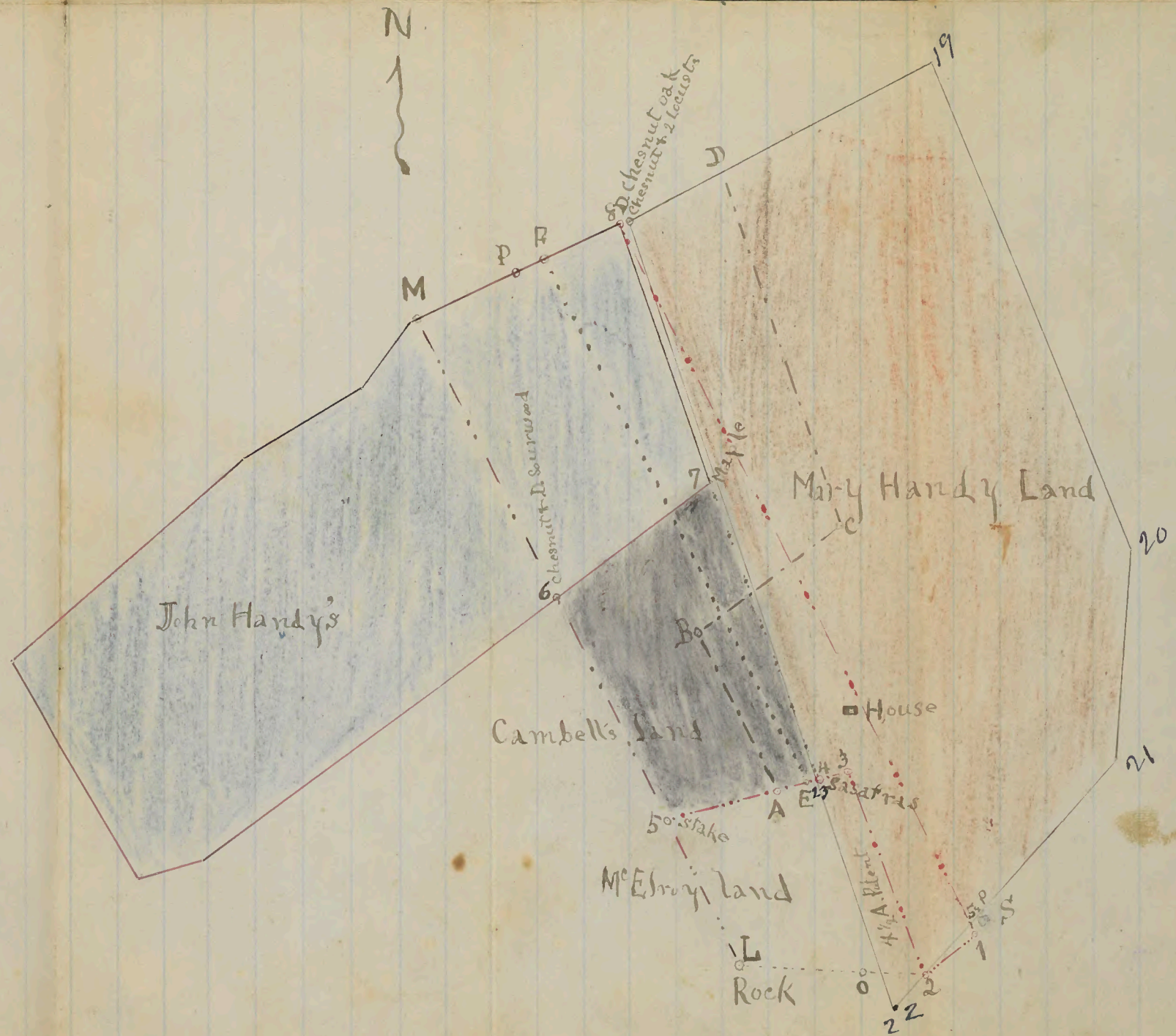
Received of J. H. Hyatt Five
 Dollars my fee as comr, in the
 within Cause against Hiram
 Gobble & wife, the same having been
 left with said Hyatt by said Gobble
 for me, this ~~Monday~~ 5th 1883.
 L. W. Carmichael

Hiram Gobble & wife
 vs
 Comrs Report
 John E. Carmichael

Filed Nov. 20/1882
 J. H. Hyatt
 Clerk

Hyatt	10.00 Paid
Carmichael	10.00 Paid
Cliff	5.00
	<hr/> 25.00

Comrs fees \$25.00



Flat

This Indenture made the twentyfourth day of October one thousand eight hundred and seventy eight, between Jacob Rasnick of the County of Lee and State of Virginia of the first part, and Elizabeth Rasnick of the same place of the second part, Witnesseth, that the said Jacob Rasnick for and in consideration of Elizabeth Rasnick, being an affectionate wife to me and one dollar duly paid before the delivery hereof, hath bargained and sold and by these presents doth grant and convey to the said party of the second part, all my personal property, consisting in one black mare, one milch cow, eight head of sheep, 10 head of hogs, and all household and Kitchen furniture, and farming implements and two tracts of land lying on the south side of Wallens Ridge, one deeded from Campbell and one from Standys two hundred acres more or less during her natural life at her death, then to John C. Rasnick forty acres of land off the west end and joining his land running parallel with the west line, the ballance of the land to be divided between Martha J. Roe and Mary A. Gobble Mary to have her portion where she now lives, by them paying to Nancy Glass

fifteen dollars and to Malinda Hamelton
five dollars, at their deaths to go to their
heirs, together with all and singular
the tenements and appurtenances thereunto
belonging, and the reversions, remainders, rents
issues, and profits thereof, and all the Estate
&c., title and interest of the said Jacob. Rasnick
to the said property and premises or any
part thereof, in witness whereof I have
hereunto set my hand and seal this day
and date first above written.

Jacob. Rasnick Seal

Virginia

County of Lee to wit. -

I Granville C. Duff a Justice of the Peace
for the County aforesaid in the State of
Virginia, do Certify that Jacob. Rasnick
whose name is signed to the writing within
bearing date on the 24th day of October 1878
has acknowledged the same before me in
my County aforesaid, Given under my hand
this 24th day of October 1878.

Granville C. Duff J. P.

Virginia

Lee County, County Clerk's Office the
30 day of Novr. 1878.

The foregoing Deed from Jacob Rasnick
of the One part to Elizabeth Rasnick of the

part was this day admitted to record
upon the Certificate of Granville C. Duff
a Justice in and for the County and
State aforesaid,

Teste R. H. Orr Jr. C. C.

A Copy Teste

J. A. Hyatt Clerk

Elizabeth Rasmick
From ³ Copy of Deeds
Jacob. Rasmick
Recorded in Deeds Book
No 18 - Page 355

Fee for Copy 60¢

Copy of the patent. Beginning at a sassafras
 S 20° E 12 poles to a stake on another line of S 30°
 Rasnices & with same S 56° E 10 poles to a stake in the
 same line. Then North same S 21° W 72 poles to a stake
 in said Rasnices line S 75° W 8 1/2 poles to the beginning
 at a large water oak in a line of the Allen land
 S 55° W 19 poles to a stake in said line

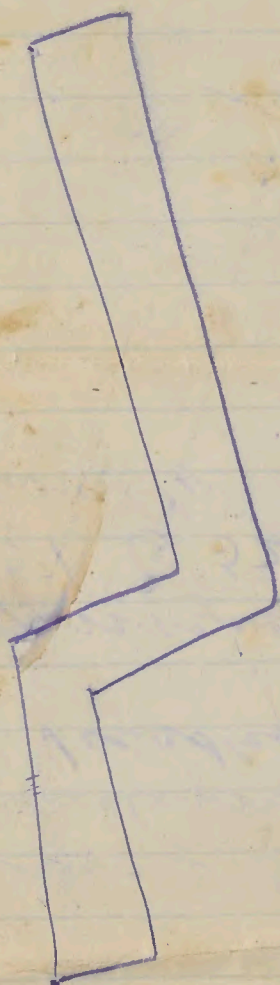
11 1/2
 1243
 1866
 1807

248
 19
 62
 207

43 5 0
 13 1 6
 5 6 6 8

6400
 5666
 100 7320
 942 441
 87

Curves - From rock N 27 W 46 poles to summit
 Chestnut 71 to top of ridge 89, From S+C 253 E 54 ft to
 Double maple N 20 W 78 ft to large Chestnut oak S 27 E
 227 to large spotted oak S 56 W 27 to line from S 56 W
 on S 16 E 62 ft, from end of E 2 5 ft to bushy where
 oak runs from 16 to place of 4 1/2 East line. From Ches-
 nut & 2 lowest S 19 E 172 to 14 line S E, of S 56 W, struck
 poplar maple & bush corner x to road S 17 E 16 ft 21



Hiram Goble & wife

Plff

vs

3 Lechey,

John & Rasnick

Defts

The defendants except to the report of the commissioners J. A. G. Hyatt L. M. Carnieal, & G. C. Duff.

In this that said report and partition made by said commissioners is contrary to the evidence, both written and oral, filed in the cause.

The evidence shows that the line of partition shall run parallel with the partition line run by and between John & Rasnick and Jacob Rasnick. said partition line is shown to run from L. to C. and the partition line ^{made by the commissioners} should be parallel therewith ~~but~~ should run from 1. at or near S to 8 while in fact and truth said commissioners made the line run from L to S, ~~thence to S~~ ~~thence to 10.~~ to 10. to C to D, to 8 to 7 to 6 & to 5, to 4.

The true boundary of said land, is L M. & L to 2, and back to L.

Mauress, & Duncan.

John & Rasnick
and 3 exceptions,
Hiram Hobbs & wife

The Commonwealth of Virginia,

To the Sheriff of Lee County - - - Greeting :

We Command you to Summon

John E. Rasnick.

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in

March

next, being rule day to answer a bill in Chancery, exhibited in our said Court against

him by *Hiram Goble, Mary A.*

Goble his wife and Martha J. McCracken formerly
Martha J. Noe.

And have then there this writ. Witness JOHN A. G. HYATT Clerk of our said court at the court-house

this *25th* day of *February* 188*2*; in the *106* year of the Commonwealth.

J. A. G. Hyatt

CLERK.

Recd of Hiram Gobble & wife, by the hands of
J. A. Hyatt, 25 cents, their part of my fee in
serving within Spa, this "day of Febry 1883.

(P)

Hiram Gobble wife et al
vs ^{my} Spa in they
John C. Rasnick

To March Rules 1882.
Executed by deliver-
ing a copy of
the within for the
month 4th / 82

J. Milo J. S. for
J. S. & Co.